

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**TRACY M. BERRY,**

**Plaintiff,**

**v.**

**Case No. CIV-15-434-RAW-KEW**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security  
Administration,**

**Defendant.**

**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**

On March 13, 2017, Magistrate Judge West entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to plaintiff. Defendant filed an objection to the Report and Recommendation, and plaintiff has filed a response to the objection, which have been considered.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Secretary is reversed and this case is remanded to Defendant

pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**ORDERED THIS 30th DAY OF MARCH, 2017.**

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma